



April 20, 2005

DEMOCRATS FLIP-FLOP ON FILIBUSTERS

Senate Majority Leader Bill Frist (MD) has announced that any necessary effort to rein in abuse of Senate rules to block fair, up or down votes on judicial nominations, will not impact legislative filibusters.

In 1995, DEMOCRATS WANTED TO END ALL FILIBUSTERS

The proposal was sponsored by Senator Joe Lieberman (D-CT), and Tom Harkin (D-IA).

- It would have eliminated ALL filibusters—legislative AND judicial.
- Only 19 Senators voted for it – *all Democrats*. This included Senators Kennedy, Kerry, Feingold, Sarbanes, Boxer, Lautenberg, Bingaman, Harkin, and Lieberman.
- Even though the Republicans were in the majority at the time, and the proposal could only help them, every Republican voted against the Lieberman plan, including now-Majority Leader Bill Frist (R-TN).

CHECK THE *RECORD*: WHAT THEY SAID THEN

In 1995, Democrats made many arguments in favor of their radical proposal to wipe out all filibusters.

Democrats argued that the filibuster is inconsistent with the Constitution and the Founders' intentions.

- “For too long, we have accepted the premise that the filibuster rule is immune. Yet, Mr. President, there is no constitutional basis for it. We impose it on ourselves. And if I may say so respectfully, it is, in its way, inconsistent with the Constitution, one might almost say an amendment of the Constitution by the rules of the U.S. Senate.” (Sen. Joseph Lieberman, *Congressional Record*, January 4, 1995, p. 38)
- “I know that some of our colleagues will oppose the alteration, the amendment, that Senator Harkin and I are proposing on the grounds that the filibuster is a very special prerogative that is necessary to protect the rights of a minority. But in doing so, and I

say this respectfully, I believe they are not being true to the intention of the Framers of the Constitution, which is that the Congress was the institution in which the majority was to rule, not to be effectively tyrannized by a minority.”

(Sen. Joseph Lieberman, *Congressional Record*, January 4, 1995, p. 38)

- “Mr. President, I believe this Senate should embrace the vision of this body that our Founding Fathers had. . . . I think that is what the Founding Fathers envisioned, and I think that is what the American people expect. . . . we must provide ample time for Members to speak on issues. . . . But in the end, the people of our country are entitled to know where we stand and how we vote on the merits of a bill or an amendment.”
(Sen. Tom Harkin, *Congressional Record*, January 4, 1995, p. 32)

Democrats argued that debate cannot go on forever.

- Senator Lieberman explained “The change we are proposing, as Senator Harkin has indicated, will make it more difficult for a minority of Senators to absolutely stop, to block, to kill Senate action on legislation favored by a majority of the Senate, but it will still protect the ability of that minority to be heard before up or down majority votes on legislation are taken.”
(Sen. Joseph Lieberman, *Congressional Record*, January 4, 1995, p. 37)
- “No one is challenging the speech and debate clause. No one is challenging the right of a Senator to speak freely under article I, section 6. [But] nowhere in the Constitution does it say they can speak forever.”
(Senator Tom Harkin, *Congressional Record*, January 5, 1995, p. 644)

Democrats argued that the filibuster violated principles of majority rule

“[A] filibuster ought to be used to slow down, temper legislation, alert the public, change minds, but should not be used as a measure whereby a small minority can totally keep the majority from voting on the merits of a bill.”

(Sen. Tom Harkin, *Congressional Record*, January 4, 1995, p. 43)